

Lanier's

NORTH CAROLINA TEEN COURT HANDBOOK

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This guidebook is written in memory of my late grandfather, John “Ken” Martin.

Special thanks to my parents, Brian and Deborah Lanier. Thank you for your love and support; without your encouragement, I wouldn’t have pursued Teen Court and who knows where I would be. To my former Teen Court Coordinator, Terra Lataille; thank you for your encouragement and nurturing my passion for Teen Court. Finally, to all the Teen Court volunteers I have and will serve alongside; thank you for being a part of this journey with me.

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§ 1 - Introduction

Welcome to Lanier's North Carolina Teen Court Handbook. This guidebook is your key to becoming an effective and engaged participant in your local Teen Court program. Within these pages, you will discover a comprehensive overview of Teen Court's history, structure, volunteer roles, procedures, and crucial legal concepts. The content is drawn from years of experience and best practices to ensure you feel well-prepared and confident in your role.

Whether you're a new volunteer seeking to grasp the fundamentals or a seasoned participant looking to enhance your skills, this handbook offers valuable insights and practical guidance. Consider it your go-to resource throughout your Teen Court journey. By approaching this experience with an open mind and a willingness to learn, you're poised to make a meaningful impact in your community.

§ 2 - What is Teen Court?

- Teen Court is an alternative court for middle and high school students. First time offenders are sentenced by juries of their peers, and students take the roles of defense attorney, prosecution attorney, clerk of court, bailiff, or juror.
- Teen Court provides a “hands on” education experience for student volunteers in our justice system.
- Teen Court does not determine guilt or innocence for a juvenile, but it provides restitution, community services, and education classes.
- A juvenile that is referred to Teen Court will go before a jury of their peers and will be defended and prosecuted by their peers.

§ 2.1 - Important Facts About Teen Court

General Information about the North Carolina Teen Court Association

- The North Carolina Teen Court Association's purpose is to serve as a pathway that brings all local Teen Court programs together as a unit.
- The goal of the NC Teen Court Association is to assure that NC Teen Court programs operate under the policies set forth by the Department of Juvenile Justice, establish and measure outcomes for their programs, and provide quality programming for both the juvenile offenders served and the teen volunteers involved in service to the local programs.
- The mission of the NC Teen Court Association program is to promote, encourage, and support the development and implementation of Teen Court Programs across North Carolina.
- NC Teen Court Association partners with:
 - NC Department of Juvenile Justice and Delinquency Prevention
 - County Juvenile Crime Prevention Councils
 - NC Court Systems
 - District Attorneys
 - Local Attorneys who serve as judges
 - Local law enforcement

§ 2.2 - History of the Teen Court Program

There are different accounts of when and where Teen Court programs began. Some (Texans especially) claim Teen Courts started in Odessa, Texas in 1983. Others report that teen court programs were operating in Grand Prairie, Texas in 1976. There are also claims (primarily from upstate New Yorkers) that a youth or teen court was in existence in Horseheads, New York in 1968.

Whether or not it was the first teen court in operation, the Odessa program is probably the most widely known and is viewed often as a national model. What we do know is that the teen court system has gained national recognition as a strategy that has demonstrated success in holding young people accountable for criminal or delinquent behavior. The program is recognized as a successful prevention or intervention strategy, because it provides young people with an opportunity to take action and to be empowered to do something about the problems of crime in their community and on their school campuses. Teen courts provide students, both volunteers and offenders, with a “hands on” educational opportunity to learn about our system of legal justice.

In 1998 the American Probation and Parole Association reported there were at least 500 teen court programs operating in 45 states and Washington D.C. The success of the Teen Court program has caused considerable interest and the program is expanding dramatically. There are 28 teen court programs in North Carolina and there is a statewide Teen Court Association that sponsors an annual Teen Court Conference for student volunteers. Teen Court programs, across the country and within our state, vary widely in terms of their design and functions. Programs require an offender to admit guilt or responsibility prior to participating in the program, and the teen court hearing is for the purpose of determining an

appropriate sentence that is fair for the defendant and the community. A few programs provide a trial for the determination of guilt or innocence. The programs are similar, however, in providing for the dismissal of charges if an offender successfully completes the teen court sentence. The North Carolina Teen Court Association has developed standards for the teen court programs in the state.

In addition to holding offenders accountable for their actions and educating students about the court system, teen court programs give students an opportunity to develop and practice skills in their court sessions and in community service placements. Studies have shown that teen courts are cost effective in reducing the burden on the court system and they consistently demonstrate low rates of recidivism or repeated offenses by offenders who have participated in the program. Teen Court programs demonstrate the influence of positive peer pressure and allow young people to realize they can play a meaningful role in reducing crime and violence in their communities.

§ 3 - Dress Code

The dress code will be determined by your local program. Ask your coordinator for details.

Generally, it is safe to attend dressed in either business casual, smart casual, or business attire (pictured immediately below and explained in depth on the following pages.)



§ 3.1 - Business Casual

What is Business Casual?

Business casual is a dress code that's a step up from everyday casual wear but not as formal as traditional business attire. It's often seen in professional settings where a suit and tie aren't required but a neat and put-together appearance is still expected.

Men's Business Casual

Shirts:

- Opt for collared shirts like dress shirts or polo shirts.
- Choose neutral colors like white, light blue, or pastels.

Bottoms:

- Wear slacks or chinos in colors like black, gray, navy, or khaki.
- Avoid shorts.
- Jeans are acceptable, just make sure that they do not have holes.

Shoes:

- Go for closed-toe shoes like loafers, dress shoes, or clean sneakers.
- Socks should match your pants and cover your ankles.

Women's' Business Casual

Tops:

- Blouses, button-down shirts, or nice sweaters are great choices.
- Stick to solid colors or subtle patterns.

Bottoms:

- Wear dress slacks, skirts, or knee-length dresses.
- Avoid overly casual items like mini-skirts.
- Jeans are acceptable, just make sure that they do not have holes.

Shoes:

- Closed-toe shoes like flats, heels, or polished boots work well.
- Keep the colors neutral or coordinated with your outfit.

§ 3.2 - Smart Casual

What is Smart Casual?

Smart casual is a dress code that falls between formal and casual attire. It's a versatile style that allows you to look polished and stylish while maintaining a level of comfort. It's often seen at events that are less formal than business meetings but require a more refined appearance than everyday wear.

Smart casual attire for Teen Court presents both advantages and potential drawbacks. On the positive side, smart casual allows participants to strike a balance between comfort and a polished appearance. It can foster a relaxed environment where teens can feel at ease while still demonstrating respect for the court proceedings. This dress code also encourages personal expression and individuality, promoting self-confidence.

Men's Smart Casual

Tops:

- Choose a collared shirt, such as a dress shirt or a nice polo shirt.
- Patterns and colors can be a bit more diverse compared to business casual.

Bottoms:

- Opt for well-fitted chinos, dress trousers, or dark-colored jeans (without excessive fading or distressing).

Shoes:

- Leather shoes like loafers, brogues, or clean sneakers work well.
- Socks should complement your outfit but can have some subtle patterns or colors.

Women's Smart Casual

Tops:

- Blouses, tailored shirts, or fashionable sweaters are excellent choices.
- You can experiment more with patterns and colors than in a strictly business setting.

Bottoms:

- Wear tailored pants, skirts, or dresses that are slightly more relaxed than business attire.
- Dark-colored denim jeans (without holes or excessive fading) can be acceptable.

Shoes:

- Closed-toe shoes like ballet flats, ankle boots, or elegant heels are suitable.
- Choose footwear that complements your outfit's style.

§ 3.3 - Business Attire

What is Business Attire?

Business attire is a formal dress code commonly associated with professional workplaces, business meetings, and corporate events. It's a style that conveys professionalism, confidence, and respect for the business environment. Business attire is all about projecting a polished, serious, and professional image. It's the standard dress code in many corporate and formal business settings.

Business attire can be a powerful tool in boosting confidence for wearers in professional settings. The act of dressing in a well-fitted suit or polished attire often goes hand in hand with a sense of self-assuredness. It signals to both the wearer and those around them that they are prepared, serious, and capable. However, it's important to remember that not every situation demands business attire. In settings like Teen Court, where a more relaxed atmosphere prevails, the focus should remain on the essential qualities of fairness, empathy, and understanding. Nobody should ever feel intimidated by anyone wearing formal attire, as it's simply a choice of dress and doesn't define a person's worth or abilities. Confidence comes from within, and no matter what you wear, it's your character and actions that truly matter in any context.

Men's Business Attire

Suits:

- A well-fitted suit with matching jacket and trousers is essential.
- Classic colors like navy, charcoal gray, or black are appropriate.

Shirts:

- Wear a long-sleeved, button-down dress shirt.
- Opt for conservative colors like white, light blue, or pale pink.

Ties:

- A silk tie in solid colors or subtle patterns complements the suit.
- Keep ties relatively conservative in design.

Shoes:

- Choose leather dress shoes.
- Socks should be dark and match your trousers.

Women's Business Attire

Suits or Dresses:

- Wear a well-tailored pantsuit or a knee-length, tailored dress.
- Suit colors can include black, navy, or gray, while dress colors should be conservative.

Blouses:

- Opt for button-down blouses or conservative tops.
- Keep colors and patterns understated.

Shoes:

- Closed-toe, low-heeled shoes in neutral colors are ideal.
- Avoid overly flashy or strappy designs.

§ 4 - Positions

Quick Overview:

- Juror: Listen carefully, deliberate sentence, maintain confidentiality.
- Clerk of Court: Administer oaths, record verdicts, assist judge.
- Bailiff: Maintain order, escort jury, announce court openings/closings.
- Teen Court Attorney: Prepare case, question witness, present arguments.
- Shadow Attorney: Observe and learn from experienced attorney.
- Law Student Volunteer: Mentor high school volunteers, explain legal concepts.
- Judge: Oversee the case and make rulings.

§ 4.1 - Juror

Jury duty is a privilege and a serious responsibility. As a Teen Court juror, you have the obligation of determining a fair and appropriate sentence that will be constructive for the defendant and the community in its consequences. You must listen carefully to the facts and the Defense and Prosecuting attorneys. Each juror must listen objectively, without bias or prejudice in order to render a fair and just sentence. The jury discusses the testimony given in the hearing and then decides what sentence is in the best interest of our community and the offender. All jurors must agree (a unanimous decision) on the constructive sentence before returning to the court.

Things to remember:

- Report on time for jury duty.
- Sign up to serve on a jury but be certain you are not from the same school as the defendant and that you do not know that defendant, if you hear evidence in a hearing and realize that you do know the defendant or victim, inform the Teen Court Coordinator so that you can be appointed to a different jury.
- Listen carefully to all that is said in the hearing.
- Sit quietly without fidgeting while court is in session. No talking, chewing gum, eating and NO LAUGHING.

Procedures:

- At the end of the hearing, the Judge will instruct the Jury and the Bailiff will give the Jury and Jury Verdict Form.
- The Bailiff will escort you to a quiet jury deliberation area, and your first duty will be to elect a Jury Foreperson.
- The Jury Foreperson will lead the discussion, and it will be the duty of the Jury Foreperson to lead the discussion of what is a fair and constructive sentence.
- The Jury Foreperson informs the Bailiff when the Jury has reached a unanimous decision, and the Bailiff will escort the Jury back into the courtroom.
- The Judge will review and the Jury Verdict and then ask the Jury Foreperson to announce the Jury Verdict.
- After the hearing, do not discuss the case with anyone. Remember the Oath of Confidentiality.

§ 4.2 - Clerk of Court

The Clerk of Court is responsible for recording and maintaining the paperwork for each case hearing. The Clerk monitors the docket and assists the Teen Court Coordinator in determining the parties (defendants and attorneys) are present and that jurors are assigned for each case. At the end of the court session, the clerk gives all the paperwork to the Teen Court Coordinator or another staff member. Be certain to arrive on time and dress appropriately for court. In addition to the above recording duties, it is the general duty of the Clerk to assist the Judge.

Responsibilities and Procedures

- When requested by the Judge, administer the Oath of Confidentiality. Ask everyone present to: "Please stand, raise your right hand and repeat after me (recite the Oath of Confidentiality and break at the appropriate pause breaks).
- Call cases when directed to do so by the Judge:
- Swear in the defendant and other witnesses before they take the stand to testify.
- When directed, hand the Jury Verdict to the Bailiff.
- Record Jury Verdicts on the Court Docket and collect Jury Verdicts.
- At the end of the court session, return all paperwork to the Teen Court Coordinator or another staff member- be certain to return the copies of the Oaths, the docket with recorded verdicts, and the Jury Verdicts as signed by the Jury Foreperson and the Judge.

Oath of Confidentiality

Please raise your right hand and repeat after me. *(Pause)*

I solemnly swear or avow. *(Pause)*

That I will not divulge. *(Pause)*

Either by words or signs. *(Pause)*

Any information. *(Pause)*

That comes to my knowledge. *(Pause)*

In the course of a Teen Court case hearing. *(Pause)*

And that I will keep secret *(Pause)*

All said proceedings *(Pause)*

Which may be held in my presence. *(Pause)*

So help me God. *(Pause)*

You may be seated.

Swearing in a Witness

Do you wish to swear or affirm? (*Wait for their answer and then chose one of the below options*).

[If they ask what the difference is, say “Swear is where you swear to the tell truth on the Bible and affirm is that you just say you will tell the truth.” If they do not know which to do, go with Affirm.]

Swear

Please place your left hand on the Bible and raise your right. (*Pause*)

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth so help you God? (*Wait for them to say “Yes”*)

You may be seated.

Affirm

Please raise your right hand. (*Pause*)

Do you affirm to tell the truth, the whole truth, and nothing but the truth? (*Wait for them to say “Yes”*)

You may be seated.

§ 4.5 - Bailiff

The general duty of the Bailiff as an officer of the court is to assist the Judge and to maintain order in the courtroom. Then Teen Court Bailiff will open and close each court session and announce recesses when requested to do so by the Judge. It is important to stand straight and speak loud and clear. The way the Bailiff acts sets the tone of the courtroom.

Responsibilities and Procedures

- Open Court.
- After the Jury hears the case and is ready to leave the courtroom to deliberate, get the Jury Verdict form from the Clerk and give it to the member of the Jury, and lead the Jury to the deliberation room.
- When the Foreperson informs the Bailiff that a verdict has been reached, the Bailiff notifies the Judge or the Teen Court Coordinator and escorts the Jurors back to the courtroom when told to do so.
- Announce any recesses as directed to do so by the Judge.
- Provide assistance to the Judge as directed. For example, the Judge may direct you to order the particular individual remove his hat, refrain from talking, etc.
- At the end of the court session, be certain that the Jury Verdicts are returned to the Clerk and the Teen Court Coordinator.

Opening Court

ALL RISE. (Wait for all who are able to stand)

Oh yes, oh yes, oh yes. This honorable court for [County], [Judicial District], is now open and sitting for the dispatch of its business. The honorable Judge [Judge's last name] presiding (pre-side-ing). God save the state and this honorable court. Please remain standing.

§ 4.6 - Teen Court Attorneys

Before you volunteer to serve as an attorney, take the opportunity to observe several Teen Court sessions. You may also want to request that an experienced Teen Court Attorney assists you when you handle your first case. Note the following:

- Be aware of your commitment to abide by our laws. You are a role model for the Defendants and other students involved in Teen Court.
- Speak clearly and firmly so you may be heard.
- Address the Judge with respect, as “your honor” or “May it please the Court.” Stand when the Judge enters and leaves the courtroom as well as when the Jury leaves to deliberate and returns with a verdict. Stand whenever you speak to the Judge.
- Be neat in your appearance and dress.
- Be serious and professional in your conduct, and try to display confidence in your questions to witnesses and remarks to the court.
- Do not ask embarrassing questions of a Defendant.
- Do not put anyone down. Respect for Teen Court participants is a must.
- If you are unable to handle an assigned case, inform the Coordinator as soon as possible.

§ 4.7 - Shadow Attorneys

You are the Shadow Attorney

If you're a shadow attorney, you are being assigned to work with an experienced Teen Court attorney who can help you learn the different aspects of the hearing process. This attorney should be able to give you information regarding all court procedures.

Read the information contained in this packet to get a feel for what kind of discussion needs to take place while you're a shadow. If the person to whom you are assigned does not explain things clearly, please feel free to ask a Teen Court staff member for additional help. If you have not been to Teen Court training, please ask for a copy of the training manual, and make plans to attend the very next training session.

It is up to you to decide what your level of participation is the hearing should be. The following timeline is suggested, but feel free to become more engaged whenever you are comfortable.

1st time as a shadow: Observe the hearing

2nd time: Observe during opening/closing statements, participate in questioning

3rd time: Present opening or closing statements

4th time: Participate in cross-examination

You are training a Shadow Attorney

If you are working with a shadow attorney...

Do Not

- Leave your shadow alone
- Exclude them from conversations
- Plan everything and just let them watch
- Assume that they know what is going on
- Assume that they don't know what is going on

If you have been volunteering with Teen Court for a while, you may get assigned a Shadow Attorney as your co-counsel. A shadow attorney is a volunteer that is new to the role of Teen Court attorney. You are there to help them ease into this role.

By assigning a shadow to you, the Teen Court staff is indicating that they have confidence in your ability to explain the how's, when's, who's, and why's of the Teen Court hearing process. If you are assigned a shadow, please use these guidelines to ensure that both of you have the best possible experience.

- Determine the experience level of your shadow.
 - Have they been through the training?
 - Have they served on the jury?
 - Have they been a shadow before?
 - Is this their first time at Teen Court?
- Talk about what's going to happen during the hearing
 - Ask them if they feel comfortable doing a part of the hearing on their own. If so, discuss which part and help them prepare.
 - Review each part of the attorney arguments; openings, questioning, closings.
 - Introduce your shadow to others in the courtroom, particularly other youth attorneys, mentor attorneys, and the Judge
- Read and discuss the case together
 - Review the facts
 - Briefly tell what you plan to say. . . see if they have any suggestions or comments.
 - Have them come up with a few questions to ask (but do not be repetitive).
- Answer any questions they have about Teen Court or about the case, or direct them to a Teen Court staff member or adult in the courtroom for more information.

- SPECIAL INSTRUCTIONS FOR DEFENSE ATTORNEYS
 - Briefly meet with your shadow AWAY from the family to complete #1 from the list above
 - Introduce your shadow to the family and explain the role they will be playing in the hearing.

§ 4.8 - Law Student Volunteers

You are a Law Student Volunteer

In the Teen Court environment, a Law Student Volunteer plays a crucial role in supporting and guiding both defendants and high school volunteers through the legal process. As someone with legal knowledge and passion, you're instrumental in creating a positive learning experience for young individuals involved in the program. Here's an in-depth look at your responsibilities:

Role Overview:

The Law Student Volunteer serves as a mentor and educator for both the defendants and high school volunteers in Teen Court. Your primary goal is to provide guidance to high school volunteers, enriching their understanding of the legal system and the importance of justice.

Duties and Responsibilities:

- Guiding Defendants:
 - Answer any queries the defendant and their family might have, easing their concerns and helping them understand the Teen Court process.
 - If asked, explain the legal process, ensuring they grasp its nuances.
- Educating High School Volunteers:
 - Provide guidance to high school volunteers who may be serving as jurors, attorneys, or other roles in Teen Court.
 - Explain legal concepts in a simplified manner, fostering a deeper understanding of the cases they're handling.
- Assisting with Case Preparation:
 - Assist teen attorneys in preparing their statements and strategies for their hearings.
 - Offer advice on presenting themselves professionally and respectfully during the proceedings.
- Providing Courtroom Support:
 - Offer suggestions on drafting statements, questions, objections, and courtroom etiquette.
- Role Modeling and Mentoring:
 - Act as a positive role model for defendants and high school volunteers, showcasing the significance of legal education and responsible citizenship.

Benefits:

- Being a Law Student Volunteer in Teen Court offers you a unique chance to utilize your legal expertise in a profoundly impactful manner. You aid in shaping the understanding of both young offenders and high school volunteers about the legal system. Your dedication not only contributes to the defendants' rehabilitation but also equips high school volunteers with a deeper comprehension of justice.

Your guidance plays a pivotal role in ensuring the success of the high school volunteers' experiences within the program. By fostering their understanding of the law and legal procedures, you empower them to make informed decisions and develop critical skills that extend far beyond the courtroom. Your involvement enhances the overall effectiveness and positive influence of the Teen Court initiative.

Who are Law Student Volunteers?

As a high school volunteer in Teen Court, you're a part of an important team that helps young people understand the legal process and learn from their mistakes. And guess what? You're not alone in this journey! Let's talk about our Law Student Volunteers – they're your legal guides and support throughout this process.

What They Do:

Think of Law Student Volunteers as your legal mentors. These are law school students or young legal professionals who are here to make sure you understand how Teen Court works and how the law comes into play. They've got the legal know-how to explain things in a way that makes sense to you. They're like the bridge between the complicated legal stuff and your day-to-day Teen Court experiences.

How They Help You:

- **Explaining the Legal Jargon:**
 - When you're surrounded by terms and phrases that sound like a foreign language, Law Student Volunteers are there to translate. They break down the complex legal language into simple words that you can understand.
- **Guiding You:**
 - Feeling unsure about what's happening? Law Student Volunteers are your go-to people. They'll walk you through each step, from how the courtroom works to what you need to do in your role as a high school volunteer.
- **Answering Your Questions:**
 - Got questions? Don't hesitate to ask! Whether you're puzzled about a law concept or unsure about your role, they're here to provide answers that clear up any confusion.
- **Sharing Real-Life Examples:**
 - Sometimes, laws can feel abstract. Law Student Volunteers share real stories and examples that connect the legal world to real situations you might face in Teen Court.
- **Boosting Your Confidence:**
 - They're like your backstage crew, helping you feel confident when you're up on that Teen Court stage. They'll prep you, give you tips, and make sure you're ready to shine.

How to Approach Them:

Law Student Volunteers are friendly and approachable. Don't be shy – if you have any questions or concerns, just reach out to them. They're here to make your Teen Court experience a learning adventure!

Remember, having Law Student Volunteers around is like having your personal legal guides. They're here to help you succeed, understand the legal process, and make a positive impact on the lives of the young people going through Teen Court. So, go ahead, connect with them, learn from them, and make the most of this unique opportunity!

§ 4.9 - Judge

The Teen Court Judge occupies a pivotal position within the Teen Court program, overseeing the proceedings and ensuring that justice is served while providing invaluable guidance and education to the young participants. Here's a closer look at the key responsibilities and impact of the Teen Court Judge:

- Presiding Over Hearings:
 - The Teen Court Judge is the presiding authority during Teen Court hearings, responsible for maintaining order and decorum in the courtroom.
 - They facilitate the entire process, from swearing in the jury to delivering the final verdict.
- Impartial Decision-Making:
 - One of the Judge's most critical roles is to render impartial and fair decisions based on the evidence presented, legal arguments, and the principles of restorative justice.
 - They must ensure that all parties involved, including the youth offender and the Teen Court volunteers, receive a fair and just hearing.
- Guiding Youth Participants:
 - The Judge plays a mentorship role by providing constructive feedback to youth defendants.
 - They offer insights into the legal system, the consequences of actions, and pathways to rehabilitation, aiming to educate and guide young participants toward positive change.

- Encouraging Accountability:
 - Judges encourage youth defendants to take responsibility for their actions, fostering a sense of accountability.
- Fostering Empathy:
 - Teen Court Judges help youth volunteers and offenders develop empathy by emphasizing the impact of their actions on victims and the community.
 - They create an environment where understanding and compassion can flourish.
- Upholding the Teen Court Model:
 - They ensure that the principles of restorative justice are upheld in every hearing.
- Inspiring Future Leaders:
 - Through their actions and mentorship, Teen Court Judges inspire youth volunteers to consider careers in law, justice, or advocacy.

In other words, the Teen Court Judge serves as a guardian of justice, an educator, and a mentor, all rolled into one. Their guidance, impartiality, and commitment to restorative justice principles are essential for the program's success and for nurturing responsible, empathetic, and informed citizens of tomorrow.

Addressing and Communicating with a Teen Court Judge

Interacting with a Teen Court Judge, whether during court proceedings or outside of the courtroom, requires a respectful and professional approach. Here are some guidelines on how to address, approach, and communicate effectively with a Teen Court Judge:

- Addressing the Judge:
 - In the courtroom
 - Always refer to the Judge as "Judge [Last Name]" or simply "Your Honor."
 - Avoid using first names or any informal titles when addressing the Judge.
 - Outside the courtroom
 - Refer to them as you normally would another adult. (i.e., Mr. Smith, Mrs. Jones)
- Courteous and Professional Demeanor:
 - Maintain a respectful and composed demeanor when interacting with the Judge.
 - Use polite language, and avoid interrupting or speaking out of turn during court proceedings.
 - **NEVER** interrupt the judge when they are speaking.
- Active Listening:
 - When the Judge speaks, listen attentively and show that you value their input.
 - Avoid side conversations or distractions that may detract from the proceedings.

- Seek Permission to Approach:
 - If you need to approach the Judge for any reason during court, always seek permission to do so.
 - Approach the bench or podium respectfully, ensuring that your actions are in line with court decorum.
- Outside of Court:
 - Feel free to ask the judge for feedback after the case is over; they would love you improve your courtroom skills.

It's crucial to remember that Teen Court Judges are not just authority figures; they're volunteers dedicated to helping you learn and grow. While respect is essential, don't hesitate to ask questions and seek feedback after cases. Teen Court Judges are approachable mentors who want to guide you on your journey. They're not scary; they're here to support you every step of the way.

§ 5 - Offenses

§ 5.1 - Affray / Assault

N.C.G.S. § 14-33(a)

- Elements
 - Intentional Act: The person intentionally does something that causes another person to feel afraid of immediate physical harm.
 - In other words: Assault happens when someone purposely does something that makes another person scared of getting hurt right away.
 - Example: A student angrily raises their fist as if they're going to hit another student, causing the other student to fear being punched.
 - Apprehension of Harm: The victim genuinely fears that they are about to be physically harmed.
 - In other words: The person who is being threatened feels genuinely scared that they are going to be physically hurt.
 - Example: A student aggressively approaches another student while shouting and making threatening gestures, causing the other student to genuinely fear being attacked.
 - Immediate Physical Harm: The victim believes that the physical harm is imminent or about to happen right away.
 - In other words: The person who feels threatened believes that they are about to be hurt very soon.

- Example: A student points a loaded water gun at another student and threatens to shoot them, causing the targeted student to believe they are about to be sprayed with water.
- Reasonable Belief: The victim's fear of harm is reasonable, considering the circumstances.
 - In other words: The person who is scared has a good reason to feel that way, given what's happening around them.
 - Example: A student approaches another student with a drawn-out knife during a school play, causing the targeted student to fear being stabbed. The fear is reasonable because a dangerous weapon is involved.

Sample questions - Prosecution

- Did you intentionally engage in physical contact with the victim?
 - This question aims to establish the defendant's intention in initiating contact with the victim, which is an essential element in an assault case.
- Were you aware that your actions would cause harm to the victim.
 - This question seeks to determine if the defendant knew or should have known that their behavior would lead to the victim's harm
- Did the victim express their fear or try to avoid the situation?
 - This question helps demonstrate that the victim genuinely felt threatened by the defendant's actions, as they attempted to express their fear or avoid the situation.
- Can you describe the specific actions you took during the incident?
 - Only ask if not already asked by defense.
 - This question allows the defendant to provide their perspective on their actions and provides an opportunity for them to admit or deny the elements of assault.
- Did you have any prior conflicts or disagreements with the victim that may have influenced your actions?
 - This question explores any underlying reasons or motives for the defendant's behavior, helping establish intent and potential factors contributing to the assault.

Sample questions - Defense

- Can you explain the context of the incident and your actions leading up to the alleged assault?
 - This question allows the defendant to provide their side of the story.
- Did you have any intention to cause harm or make the victim feel afraid?
 - This question aims to establish the defendant's state of mind and whether they had any malicious intent or purpose to cause harm.
- Were you provoked or threatened by the victim before the incident occurred?
 - This question explores whether the defendant may have been acting in self-defense or in response to a provocation by the alleged victim.
- Can you describe any mitigating circumstances or factors that may have influenced your actions?
 - This question allows the defendant to present any relevant factors that could help explain or justify their behavior, such as fear, coercion, or a lack of intent.
- Did you take any steps to de-escalate or resolve the situation peacefully before the incident occurred?
 - This question aims to establish whether the defendant made any efforts to avoid physical conflict or resolve the situation without resorting to violence.

§ 5.2 - Disorderly Conduct

N.C.G.S. § 14-288.4 (a)(see below numbers)

Disorderly conduct is a public disturbance intentionally caused by any person who does any of the following:

- (1) Getting into a fight or engaging in violent behavior. (See Affray / Assault for guidance)
- (2) Saying or doing something that is meant to make others react violently and cause a big disturbance (profanity, obscene gestures, racially charged language, et cetera).
- (3) Taking control of / using a building or facility at a school without permission from the principal or someone in charge.
- (4) Refusing to leave a school building or facility when told to do so.
- (5) Doing things like sitting, lying down, or forming groups that block the entrances or exits of a school building, even after being told not to.
- (6) Disturbing or interrupting the teaching of students at a school, or doing things that disrupt the peace and order of the school or its surrounding areas.
- (6a) Disturbing the peace and order on a public school bus or during a school activity on a bus.

Tip: Ask for assistance. Disorderly conduct cases are highly fact intensive.

§ 5.3 - Trespass

N.C.G.S. § 14-159.13

- Elements
 - Unauthorized Entry: Entering someone else's property without permission.
 - In other words: Going onto / into someone's property without their permission.
 - Example: Jumping over a fence and entering a neighbor's backyard without their knowledge or consent.
 - Intent: The act of entering the property was intentional, without a lawful reason or justification.
 - In other words: The person entered the property on purpose, without a good reason for doing so.
 - Example: A student enters a locked storage room at school without permission to search for personal items without any valid justification.
 - Notice: The defendant had notice or knowledge that their entry onto the property was unauthorized.
 - In other words: The person knew or should have known that they were not allowed to enter the property.
 - Example: A student enters a school faculty-only area where signs clearly state "Authorized Personnel Only" and ignores the warning signs.

Sample questions - Prosecution

- Did you enter the property without permission from the owner or occupant?
 - This question aims to establish whether the defendant entered the property without authorization, a key element in a trespass case.
- Were you aware that you were not allowed to enter the property?
 - This question seeks to determine if the defendant knew or should have known that their entry onto the property was unauthorized.
- Did the owner or occupant give you any permission or invitation to enter the property?
 - This question helps establish whether the defendant had any lawful basis for entering the property, such as explicit permission or invitation.
- Were there any signs or indications that clearly stated entry was not allowed?
 - This question aims to establish whether the defendant had notice or knowledge that their entry onto the property was unauthorized.
- Did you intentionally disregard any warnings or instructions that prohibited entry onto the property?
 - This question explores whether the defendant knowingly ignored any signs, barriers, or explicit instructions indicating that they were not allowed to enter the property.

Sample questions – Defense

- Did you have a reasonable belief that you were allowed to enter the property?
 - This question aims to establish whether the defendant had a genuine belief, based on reasonable grounds, that they were authorized to enter the property.
- Were there any signs or indications that may have suggested permission to enter the property?
 - This question explores whether there were any factors, such as unclear signage or previous permissions, that could have given the defendant a reasonable belief they were allowed to enter.
- Did you receive any verbal or written permission from the owner or occupant to enter the property?
 - This question seeks to determine if the defendant had explicit permission or invitation to enter the property, which could serve as a lawful justification for their actions.
- Were you acting out of necessity or an emergency situation that required entry onto the property?
 - This question allows the defendant to explain if their entry onto the property was motivated by a genuine need, such as assisting someone in danger or accessing essential services.

- Did you immediately leave the property once you became aware that you were not allowed to be there?
 - This question aims to establish whether the defendant promptly left the property upon realizing their mistake, demonstrating a lack of intent to trespass.

Remember, these are sample questions, and the specific questions you ask may vary depending on the circumstances of the case and the evidence available. It's important to prepare your questions in advance and tailor them to the specific details of the case.

§ 5.4 - Property Damage

N.C.G.S. §14-127

- Elements
 - Willful and Wanton Conduct: Engaging in intentional and reckless behavior that causes harm to real property.
 - In other words: Purposefully and carelessly damaging or destroying someone else's property.
 - Example: Smashing windows or graffitiing the walls of a school building without any valid reason.
 - Damage, Injury, or Destruction: Causing harm or impairing the condition of real property.
 - In other words: Doing something that causes physical harm or ruins the state of a building or land.
 - Example: Knocking down a fence or breaking the door of a neighbor's shed.
 - Real Property: Land, buildings, or any other structures that are immovable and attached to the land.
 - In other words: Land, houses, or buildings that can't be easily moved. Cars, RVs, tents, and other easily moveable property are not included.
 - Example: Damaging the roof or walls of a house by throwing rocks or using spray paint.

Sample questions - Prosecution

- Did you intentionally cause damage to the property in question?
 - This question aims to establish whether the defendant purposely caused harm to the property, a key element in a property damage case.
- Were you aware that your actions would result in damage to the property?
 - This question seeks to determine if the defendant knew or should have known that their actions would lead to harm or destruction of the property.
- Can you explain why you engaged in the behavior that caused the damage?
 - This question allows the defendant to provide their reasoning behind their actions and helps establish their intent or lack thereof.
- Did you take any steps to rectify or repair the damage you caused?
 - This question explores whether the defendant made any effort to correct or mitigate the damage they inflicted on the property.

Sample questions - Defense

- Did you have any intention to cause damage to the property in question?
 - This question aims to establish whether the defendant had any intent or motive to harm or damage the property.
- Were there any factors or circumstances that may have contributed to the alleged damage?
 - This question seeks to explore any external factors or circumstances that could have influenced the situation and caused the damage.
- Did you take any actions to prevent or minimize the damage?
 - This question explores whether the defendant made any effort to prevent further damage or mitigate the situation once they became aware of the alleged damage.
- Were there any misunderstandings or miscommunications regarding the property or its use?
 - This question aims to determine if there were any misunderstandings or misinterpretations regarding the property or its permitted use that may have led to the alleged damage.

§ 5.5 - Concealment of Merchandise

N.C.G.S. § 14-72.1(a)

(NOT THE SAME AS LARCENY)

- Elements
 - Without authority
 - In other words: The defendant did not have permission.
 - Example: Took the item off the shelf.
 - Willfully
 - In other words: S/he knew what s/he was doing and was not forced to.
 - Example: Was by himself when s/he did it.
 - Conceals the goods or merchandise.
 - In other words: Hid the goods.
 - Example: Put the item in his backpack or under his pocket.
 - Has not yet purchased said goods or merchandise.
 - In other words: The defendant had not yet purchased the goods.
 - Example: The defendant had not yet past the checkout counter.
 - Still upon the premises of such store
 - In other words: The defendant had not yet left the store.
 - Example: The defendant had not passed the store's doors before being caught.

Sample questions - Prosecution

- Did you take possession or control of the merchandise in question without paying for it?
 - This question aims to establish whether the defendant took the merchandise without completing the payment, a key element in a concealment of merchandise case.
- Were you aware that you were not paying for the merchandise when you concealed it?
 - This question seeks to determine if the defendant knew or should have known that they were not completing the required payment for the concealed merchandise.
- Can you explain why you decided to conceal the merchandise instead of paying for it?
 - This question allows the defendant to provide their reasoning behind their actions and helps establish their intent in concealing the merchandise.
- Were you planning to pay for the concealed merchandise at a later time?
 - This question explores whether the defendant had any intention to pay for the concealed merchandise after hiding it.

Sample questions - Defense

- Did you have any intention to conceal the merchandise with the purpose of stealing it?
 - This question aims to establish whether the defendant had any intent to commit theft or if there was any other motive behind their actions.
- Were there any misunderstandings or miscommunications that led to the alleged concealment?
 - This question explores whether there were any misunderstandings or confusion regarding the merchandise or its handling that may have led to the allegations.
- Did you have any plans to pay for the concealed merchandise at a later time?
 - This question aims to determine if the defendant had any intention to pay for the concealed merchandise after the incident.
- Were there any personal or external factors that influenced your actions?
 - This question seeks to explore whether there were any personal or external factors that might have influenced the defendant's behavior, such as distraction, stress, or unintentional actions.

§ 5.6 - Price Switching

N.C.G.S. § 14-72.1 (d)

- Elements
 - Without authority
 - In other words: The defendant did not have permission.
 - Example: The defendant was not asked to do so as part of his job or by someone who had permission to change prices.
 - Willfully
 - In other words: S/he knew what s/he was doing and was not forced to.
 - Example: The defendant was alone.
 - Transfers a lower marked price tag to a higher priced item.
 - In other words: Puts a cheaper price tag on a more expensive item.
 - Example: Peels off the barcode from a bag of apples and puts that barcode on an iPhone box.
 - Presents said goods or merchandise for purchase.
 - In other words: The defendant attempts to buy the more expensive item using the cheaper price tag.
 - Example: Scans the cheaper barcode at the self-checkout.

Sample questions - Prosecution

- Did you intentionally switch the price tag or label on the merchandise in question?
 - This question aims to establish whether the defendant purposely altered the price tag or label on the merchandise, a key element in a price switching case.
- Were you aware that the price on the merchandise was different from the one you attempted to pay?
 - This question seeks to determine if the defendant knew or should have known that they were attempting to pay a different, lower price for the merchandise.
- Can you explain why the price on the merchandise was different when you tried to purchase it?
 - This question allows the defendant to provide their reasoning behind the price difference and helps establish their intent in price switching.
- Were there any prior instances that you had switched prices on merchandise before?
 - This question explores whether there were any patterns or previous incidents of price switching involving the defendant.

Sample questions - Defense

- Did you have any intention to switch the price tag or label on the merchandise with the purpose of paying a lower price?
 - This question aims to establish whether the defendant had any intent to deceive or if there was any other motive behind their actions.
- Were there any misunderstandings or miscommunications that led to the alleged price switching?
 - This question explores whether there were any misunderstandings or confusion regarding the merchandise's pricing or labeling that may have led to the allegations.
- Did you notice any discrepancies or errors in the pricing of the merchandise that prompted you to question the price?
 - This question aims to determine if the defendant noticed any irregularities in the pricing that may have led them to inquire or mistakenly switch price tags.
- Were there any external factors that influenced your actions, such as distractions or misunderstandings with the store staff?
 - This question seeks to explore whether there were any external factors that might have influenced the defendant's behavior, leading to the alleged price switching.

§ 5.7 - Larceny

N.C.G.S. § 14-72(a)

(NOT THE SAME AS CONCEALING MERCHANDISE)

- Elements
 - Taking and Carrying Away: Wrongfully taking and moving someone else's property without their permission.
 - In other words: Taking something that belongs to someone else and carrying it away with you.
 - Example: Picking up a classmate's phone from their desk and putting it in your backpack without their knowledge.
 - Personal Property: The item or object taken must be tangible personal property that can be moved.
 - In other words: The thing you took must be a physical object that can be touched and moved.
 - Example: Taking a friend's bicycle without their permission.
 - Without Consent: Taking the property without the owner's permission or against their will.
 - In other words: Taking something when the owner hasn't said it's okay or without asking them.
 - Example: Borrowing a friend's video game without asking and without them knowing.

- Intent to Permanently Deprive: Intending to keep the property for yourself permanently or to dispose of it in a way that the owner can't get it back.
 - In other words: Planning to keep the thing you took as your own and not giving it back.
 - Example: Taking a classmate's jacket with the intention of never returning it or giving it back.
- Absence of Consent: The owner did not give permission for the property to be taken.
 - In other words: The person who owns the thing did not say it was okay for you to take it.
 - Example: Taking money from a friend's wallet without them knowing or allowing it.

Sample questions - Prosecution

- Did you take the item in question without the owner's permission?
 - This question aims to establish whether the defendant took the item without the owner's knowledge or consent, a key element in a larceny case.
- Can you explain why you took the item from its rightful owner?
 - This question allows the defendant to provide their reasoning behind their actions and helps establish their intent in taking the item.
- Did you have any intention to return the item after taking it?
 - This question explores whether the defendant had any intention to give back the item or whether they planned to keep it permanently.
- Have you done something like this before?
 - This question seeks to explore whether there were any patterns or previous incidents of larceny involving the defendant.

Sample questions - Defense

- Did you have any reason to believe that you had permission to take the item in question?
 - This question aims to establish whether the defendant genuinely believed they had permission to take the item, challenging the prosecution's claim of larceny.
- Were there any misunderstandings or miscommunications regarding the ownership or use of the item?
 - This question explores whether there were any misunderstandings or confusion regarding the item's ownership or whether the defendant believed it was okay to take it.
- Did you have any intention to return the item or thought it was a temporary borrowing?
 - This question seeks to explore whether the defendant had any intention to return the item or whether they believed it was a temporary arrangement.
- Were there any external factors that influenced your actions, such as peer pressure or misunderstanding?
 - This question aims to examine whether there were any external factors that might have influenced the defendant's behavior, leading to the alleged larceny.

§ 5.8 - Breaking and Entering

N.C.G.S. § 14-54 (b)

(NOT THE SAME AS TRESPASS)

- Elements
 - Breaking: Forcefully entering into a building or property.
 - In other words: Breaking in means using some form of force to get inside a place where you're not supposed to be.
 - Example: Breaking a window or kicking down a door to enter someone's house without permission.
 - Entering: Physically going into the building or property without permission.
 - In other words: Entering means stepping inside the place you broke into.
 - Example: Climbing through the broken window and getting inside the house.
 - Dwelling House or Structure: Breaking into a place where people live or a building with a roof and walls.
 - In other words: It's about breaking into someone's home or a building that is like a house.
 - Example: Breaking into a person's apartment, a family's house, or a small store with walls and a roof.

- Without Consent: Entering the place without permission from the owner or resident.
 - In other words: Going inside when the people who own or live there didn't say you could.
 - Example: Sneaking into a friend's house while they are away without them knowing.
- Intent to Commit a Crime: Planning to do something illegal after breaking in.
 - In other words: Intending to commit a crime once you're inside the place.
 - Example: Breaking into a store with the plan to steal items or breaking into a school to vandalize property.

Sample questions - Prosecution

- Did you forcefully enter the building or property without permission from the owner or resident?
 - This question aims to establish whether the defendant entered the place without the owner's or resident's knowledge or consent, a key element in a breaking and entering case.
- Can you explain why you decided to break into the building or property?
 - This question allows the defendant to provide their reasoning behind their actions and helps establish their intent in breaking and entering.
- Did you have any intention to commit any illegal activity once you were inside the building or property?
 - This question explores whether the defendant had any plans to engage in any criminal activity after breaking in.
- Have you done this before?
 - This question seeks to explore whether there were any patterns or previous incidents of breaking and entering involving the defendant.

Sample questions - Defense

- Did you have any reason to believe that you had permission to enter the building or property?
 - This question aims to establish whether the defendant genuinely believed they had permission to enter, challenging the prosecution's claim of breaking and entering.
- Were there any misunderstandings or miscommunications regarding the entry into the building or property?
 - This question explores whether there were any misunderstandings or confusion regarding the defendant's entry or whether they believed they were allowed to enter.
- Did you have any intention to commit any illegal activity once you were inside the building or property?
 - This question aims to examine whether the defendant had any plans to engage in illegal activity after entering or whether their intent was innocent.
- Were there any external factors that influenced your actions, such as an emergency or misplaced belongings?
 - This question explores whether there were any external factors that might have influenced the defendant's behavior, leading to the alleged breaking and entering.

§ 5.9 - Possession of Drug Paraphernalia

N.C.G.S. § 90-113.22 (a)

- Elements
 - Possession: Having drug paraphernalia in one's control or ownership.
 - In other words: Having drug-related items with you or in your belongings.
 - Example: Having a pipe used for smoking drugs in your backpack.
 - Knowledge of the Paraphernalia: Being aware that the items are drug-related or intended for drug use.
 - In other words: Knowing that the items are used for drugs or drug-related activities.
 - Example: Knowing that a certain water bottle is used for hiding drugs.
 - Intentional Possession: Voluntarily having the drug paraphernalia, not by accident.
 - In other words: Choosing to have the items; not just finding them by mistake.
 - Example: Buying a box of rolling papers to use for drug-related purposes.

- Connection to Drug Use: The drug paraphernalia must be associated with using, storing, or preparing drugs.
 - In other words: The items are connected to drugs, like using them to smoke or prepare drugs.
 - Example: Having a bong, which is used to smoke marijuana.
 - Note: This includes homemade and repurposed items.
- Prohibited Items: The drug paraphernalia is considered illegal or restricted under the law.
 - In other words: The items are not allowed or are against the rules.
 - Example: Possessing a specific type of pipe or syringe that is prohibited by law.

Sample questions - Prosecution

- Did you have the drug paraphernalia in your possession at the time of the incident?
 - This question aims to establish whether the defendant had the drug-related items with them during the incident, a key element in the Possession of Drug Paraphernalia case.
- Were you aware that the items in your possession were drug paraphernalia or used for drug-related activities?
 - This question seeks to determine if the defendant knew or should have known that the items they had were associated with drug use.
- Can you explain why you had the drug paraphernalia in your possession?
 - This question allows the defendant to provide their reasoning behind having the items and helps establish their intent in possessing drug paraphernalia.
- Were the drug paraphernalia items intended for personal use, storage, or preparation of drugs?
 - This question explores the intended purpose of the drug paraphernalia and establishes a connection to drug-related activities.

Sample questions - Defense

- Did you know that the items found in your possession were considered drug paraphernalia or associated with drug use?
 - This question aims to establish whether the defendant was aware that the items they had could be classified as drug paraphernalia.
- Were there any misunderstandings or misidentifications regarding the items found in your possession?
 - This question explores whether there were any misunderstandings or confusion regarding the nature of the items or whether they were mistakenly identified as drug paraphernalia.
- Did you have any intention to use the items for drug-related activities or were they simply in your possession coincidentally?
 - This question aims to examine whether the defendant had any intent to use the items for drug-related purposes or if their possession was accidental or unrelated.

**§ 5.10 - Possession of a Non-Firearm Weapon on School
Grounds**

N.C.G.S. § 14-269.2 (d)

- Elements
 - Possess or Carry.
 - In other words: The defendant had the weapon on their person or in their backpack.
 - Example: The defendant kept a knife in his pocket.
 - A non-firearm weapon.
 - The list includes, but is not limited to, BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), firework, or any sharp-pointed or edged instrument.
 - On School Grounds
 - In other words: Any school building or bus, school campus, recreational area, athletic field, or other property owned, used, or operated by a school.
 - Example: Defendant was caught with fireworks in his backpack on the bus.

Sample questions - Prosecution

- Did you have the non-firearm weapon in your possession at school on the date of the incident?
 - This question aims to establish whether the defendant had the weapon with them on school property, a key element in the case.
- Can you identify the specific non-firearm weapon that was found in your possession?
 - This question seeks to determine the type of weapon involved and establishes that it is indeed a non-firearm weapon.
- Were you aware that the item you had in your possession was considered a weapon and not allowed on school property?
 - This question explores whether the defendant knew or should have known that the item they had was considered a weapon and prohibited on school grounds.
- Did you have any intention of using the non-firearm weapon while on school property?
 - This question explores whether the defendant had any intent to use the weapon or if they had a legitimate reason for having it at school.

Sample questions - Defense

- Did you have any knowledge that the item in your possession was considered a weapon and not allowed on school property?
 - This question aims to explore whether the defendant was aware that the item they had could be considered a weapon and prohibited at school.
- Were there any misunderstandings or misidentifications regarding the nature of the item you had in your possession?
 - This question seeks to determine if there were any misunderstandings or confusion regarding the true nature of the item and whether it was mistakenly identified as a weapon.
- Did you have any intention to harm or threaten anyone with the non-firearm weapon while at school?
 - This question aims to explore whether the defendant had any intent to use the item for harmful purposes or if they had it for harmless reasons.
- Were there any external factors or circumstances that led to you having the non-firearm weapon with you at school?
 - This question seeks to explore whether there were any external reasons or specific circumstances that led to the defendant having the item at school.

§ 5.11 - Possession of Marijuana

N.C.G.S. § 90-95(d)(4)

- Elements
 - Possession of Marijuana
 - In other words: The defendant had marijuana on their person, in their car, or in their backpack.
 - Example: Defendant had marijuana in his backpack.

Sample questions - Prosecution

- Did you have marijuana in your possession at the time of the incident?
 - This question aims to establish whether the defendant had marijuana with them, a key element in the case.
- Were you aware that the substance you had in your possession was marijuana?
 - This question explores whether the defendant knew or should have known that the substance they had was marijuana.
- Can you explain how you came into possession of the marijuana?
 - This question allows the defendant to provide their account of how they obtained the marijuana, which may help establish their intent in possessing it.

Sample questions - Defense

- Did you have any knowledge that the substance you had in your possession was marijuana?
 - This question aims to explore whether the defendant was aware that the substance they had was indeed marijuana.
- Were there any misunderstandings or misidentifications regarding the nature of the substance found in your possession?
 - This question seeks to determine if there were any misunderstandings or confusion regarding the true nature of the substance and whether it was mistakenly identified as marijuana.
- Did you have any intention to use or distribute the marijuana, or was it solely for personal use?
 - This question aims to explore whether the defendant had any intent to use or distribute the marijuana or if they had it solely for personal use.
- Were there any external factors or circumstances that led to you having the marijuana in your possession?
 - This question seeks to explore whether there were any external reasons or specific circumstances that led to the defendant having the marijuana.

§ 6 - Sample Opening and Closing Statements

An opening statement outlines for the court/jury the evidence that each attorney intends to present and informs the court/jury of the attorney's theory of the case.

- Outline to the court what you intend to show them during the case. Paint in broad strokes, do not get into the details yet.

A closing statement is a summation made by the attorney, at the end of the case, which sets forth your client's / the state's case.

- The closing statement is where you argue your case. Your closing should tell the court/jury why they should rule in your favor and should give specific instances from the trial of the things that causes you to believe as you do.
- Summarize the facts.

§ 6.1 - Prosecution - Opening

Sample

Your honor and members of the jury, may it please the court. My name is _____, and along with my co-counsel _____, we / I represent the State of North Carolina.

Today, we gather here to seek justice and uphold the values that make our community safe and secure. The evidence I / we will present before you will reveal that the defendant, [Defendant's Name], knowingly and intentionally committed the crime of [crime], a serious offense that impacts our community.

Tonight, we will show you that the defendant did [connect the offense's elements to the facts. If facts are not known, list the elements of the offense].

The defendant's actions have caused harm to the community and to the defendant's future. In order to repair the damage and help the defendant understand the consequence of his / her actions, the state is seeking a sentence of [desired sentence].

Thank you for your time and consideration.

Example

Your honor and members of the jury, may it please the court. My name is Jackson Lanier, and I represent the State of North Carolina.

Today, we gather here to seek justice and uphold the values that make our community safe and secure. The evidence we will present before you will reveal that the defendant, David, knowingly and intentionally committed the crime of larceny a serious offense that impacts our community.

Tonight, we will show you that the defendant did take a game controller from the Walmart store shelves and attempted to leave the store without paying for it. David further admitted to Walmart security that he did not have the intention of returning or paying for the item.

The defendant's actions have caused harm to the community and to the defendant's future. In order to repair the damage and help the defendant understand the consequence of his actions, the state is seeking a sentence of 20 community service hours, 7 jury duties, and a letter of apology to the Walmart manager.

Thank you for your time and consideration.

§ 6.2 - Defense - Opening

Sample

Your honor and members of the jury, may it please the court. My name is _____, and along with my co-counsel _____, we / I represent [Defendant's name].

[Defendant's name] has admitted responsibility for his/her actions. He / she stands here before you tonight to express remorse for his/her actions and demonstrate that he / she has learned his/her lesson. Tonight, you will hear from [Defendant's name] who tell you that [connect facts to elements of offense and make them seem less bad.] It is for these reasons that I / we ask you give [Defendant's name] a lenient constructive sentence of [desired sentence]

Thank you for your time and consideration.

Example

Your honor and members of the jury, may it please the court. My name is Jack Gilewicz and I represent David.

David has admitted responsibility for his actions. He stands here before you tonight to express remorse for his actions and demonstrate that he has learned his lesson. Tonight, you will hear from David who will tell you that he was peer pressured by his friend into hiding the game controller under his jacket. David initially didn't want to, but he was scared his friend would think less of him if he didn't. When confronted by store security, David owned up to his actions and honestly confessed to the police when they arrived. It is for these reasons that I ask you give David a lenient constructive sentence of 15 community service hours and 5 jury duties.

Thank you for your time and consideration.

§ 6.3 - Prosecution - Closing

Sample

Your honor and members of the jury, may it please the court.

Tonight I / we have shown you the seriousness of [Defendant's name]'s actions. [Connect as many of the facts to the elements of the crime as possible and mention anything of note from the defendant's testimony.]

The Defendant's actions should not be taken lightly. The Defendant has harmed themselves and the community. In order to repay the community and ensure that [Defendant's name] does not do anything like this again, the State is asking that you give the Defendant a constructive sentence of [desired sentence].

I / we again thank you for your time and consideration this evening.

Example

Your honor and members of the jury, may it please the court.

Tonight I / we have shown you the seriousness of David's actions.

Peer pressure is not an excuse to steal. David, knowing that stealing is wrong, tried to hide the game controller under his jacket and walk out of the store without paying it.

The Defendant's actions should not be taken lightly. The Defendant has harmed themselves and the community. In order to repay the community and ensure that David does not do anything like this again, the State is asking that you give the Defendant a constructive sentence of 20 community service hours, 7 jury duties, and a letter of apology to the Walmart manager.

I again thank you for your time and consideration this evening.

§ 6.4 - Defense - Closing

Sample

Your honor and members of the jury, may it please the court. Tonight, you heard from [Defendant's name] who has admitted before you that what s/he did was wrong. [Defendant's name] has taken responsibility for his/her actions. [Discuss mitigating factors, involvement in clubs / sports, actions taken to make amends for action, et cetera] [Defendant's name] made a mistake and is remorseful. [Defendant's name] asks that you give him/her a constructive sentence of [desired sentence]. Thank you for your time and consideration in this case.

Example

Your honor and members of the jury, may it please the court. Tonight, you heard from David who has admitted before you that what he did was wrong. David has taken responsibility for his actions. You heard from David tonight who admits that he stole the game controller. However, he was peer pressured by his friend to do it. David is a good kid; he has a younger brother and knows he must be a role model. David made a mistake and is remorseful. David asks that you give him a constructive sentence of 15 community service hours and 5 jury duties. Thank you for your time and consideration in this case.

§ 7 - Sample General Questions

§ 7.1 - Defense – Direct Examination

Note: Vast majority of your questions will be determined by what your defendant told you prior to the hearing. NEVER ASK A QUESTION YOU DO NOT KNOW THE ANSWER TO. It is a good idea to ask the defendant all the questions you plan to ask during your meeting. Do not ask questions that paint your client in bad light.

Direct Examination is the initial questioning of a witness by the attorney who called the witness. The purpose is to present testimony containing the facts the attorney needs to prove his/her case.

- Can you please state your name for the record?
- How old are you?
- What grade are you in at school? (6th, 7th, 8th, 9th, etc)
- Would you consider yourself to be a good student?
 - Do not ask if they say no in the meeting.
- What is your favorite subject in school?
- Are you apart of any clubs or sports?
 - Do not ask if they say no in the meeting.
 - If they say yes, ask them a quick question like:
 - What is your role / position?
 - What does your club do?

- Do you have any siblings?
 - Do not ask if they say no in the meeting.
 - If they say yes, ask some of the following questions.
 - Are they older or younger?
 - Does the youngest look up to you?
 - Do not ask if they say no in the meeting.
- Was there anything that happened prior to the incident?
 - This is really only for cases involving another person.
 - If there is a victim or other person involved ask questions like the below:
 - Who is this person?
 - How long have you known them?
 - What is your relationship with them?
(friends, enemies, don't know them)
- What happened on the day of the incident?
- [Ask questions that relate to the charged offense and the incident.]
- Did you have any intent to [describe the action or consequence of the incident]?
- Were you aware of the potential consequences of [describe the action or consequence]?
- What lessons have you learned from the incident?
- Would you do anything like this again?

Feel free to ask more questions that arise from the Defendant's testimony. If you have no further questions, say "No further questions, your honor."

§ 7.2 - Prosecution – Cross-Examination

Cross Examination is the questioning of a witness by an attorney other than the one who called the witness, concerning matters about which the witness has testified during direct examination.

The purpose is to discredit or clarify testimony already given so as to neutralize damaging testimony or present facts in a light more favorable to the party against whom the direct testimony was offered.

- Do you know the difference between right and wrong?
 - Answers Yes:
 - Do you presently believe that your actions were right or wrong?
 - Answers “Wrong”:
 - Did you believe they were wrong at the time of the incident?
 - Answers Yes:
 - Then why did you do it?
 - Answers No:
 - What made you think they were right at the time of the incident?
 - Answers “Right”:
 - Why did you think your actions were right?
 - Answers No
 - Move on to your next question. Mention that they do not know the difference in your closing.
- Were you aware of the law regarding [charged offense] prior to the incident?
- Did you know that [whatever they did] was against the law?
- What were you doing prior to the incident?
- [Ask questions related to the offense]
- Did you have any intention to [describe the alleged action or consequence of the incident]?
- Were you aware of the potential consequences of [describe the action or consequence]?

- Were you aware that your actions could potentially [describe negative outcome]?
- Did you attempt to contact a person of authority (teacher, school administrator, parent, law enforcement, security, et cetera) prior to the incident?
- Did you consider the impact of your actions on the community?
- Did you feel any remorse or regret after the incident?
- Have you taken any steps to rectify the situation or make amends?
- Are there any factors or circumstances that you believe the court should consider in your case?
- Have you ever done something like this before?
- Will you ever do something like this again?

Feel free to ask more questions that arise from the Defendant's testimony. If you have no further questions, say "No further questions, your honor."

§ 8 - Objections

Objections are usually rare in Teen Court, but these are the most common. More experienced volunteers in the Attorney position should consider learning these.

Other and more complicated objections exist (see the Federal Rules of Evidence Cheat Sheet) but these three are the most important for Teen Court.

§ 8.1 - Relevance

- What do I say?
 - “Objection, relevance” or “Your honor, objection, relevance”
- Simply
 - Evidence that does not matter to the case.
- Actually
 - Evidence is not relevant if it does not have **any tendency** to make **more or less probable** a **fact of consequence** in determining the action.
 - Any tendency
 - Could it be important?
 - More or less probable
 - Does it help what the other side is arguing make sense?
 - Fact of consequence
 - Is it related to what the other side is arguing?

- Example:
 - David assaulted Paul in the bathroom at school. The prosecution asks David what he was doing before he assaulted Paul. David says he was watching karate Tik Toks. The Defense objects arguing that what David was doing before the assault was not relevant.
 - What David said is relevant because it has a tendency to make more probable that David intended to assault Paul.
 - David assaulted Paul in the bathroom at school. The defense asks David who his favorite superhero is. David replies Captain America. Defense then asks if Captain America would approve of David assaulting Paul. Prosecution objects arguing the questions and answer are not relevant.
 - The questions are not relevant because whether Captain America would condone or whether David believes Captain America would condone his act has no tendency to make it more or less probable David's defense.

- David assaulted Paul in the bathroom at school. The prosecution asks David what his astrological sign is. David answers “Capricorn.” The defense objects arguing the testimony is not relevant. The prosecution rebuts arguing that the horoscope for Capricorns on the day of the assault said “You will encounter trouble today; act first to get ahead of it.” They argue that this motivated David to assault Paul because the two had been disagreeing all week.
 - This is a toss up and will depend on the judge. The argument is a stretch, but does have a tendency to make it more probable that David intended to assault Paul. However, because the argument is such a stretch, a judge may sustain the objection.

§ 8.2 - Prejudice

- What do I say?
 - “Objection, prejudice” or “Your honor, objection, prejudice”
- Simply
 - Evidence is prejudicial if it unfairly harms your case.
 - Not that it hurts your case, but that it would unfairly sway the jury.
- Actually
 - Evidence is prejudicial if the likelihood of it **unfairly swaying the jury** is **substantially greater** than its **probative value**.
 - Unfairly sway the jury.
 - Such evidence may be like trying to admit a defendant or witness’s drug charges, DUI’s, numerous divorces, debt, number of properties owned; anything that would paint the defendant or witness as a stereotype or make the jury look down on them.
 - Substantially greater.
 - We don’t want to embarrass the defendant / witness unfairly or unnecessarily. Balance it with why it is being offered.

- Probative value.
 - Ask why the evidence is being offered and see if it advances that point.
- Examples
 - David assaults Paul in the bathroom. At trial, the prosecution asks David if he recently went through a breakup with his girlfriend. David answered yes. The prosecution then asks if and who she is now seeing. David answers “Paul”. The defense objects arguing prejudice.
 - The evidence could unfairly sway the jury by placing in their mind that there was a reason David’s girlfriend left him and maybe because he is a bad person. The probative value is that it shows that David would have had a motive for assaulting Paul. Ultimately, the probative value is greater because while it may plant a bad image of David in the jury’s mind, it offers a motive for why David assaulted Paul.

- David assaults Paul in the bathroom. At trial, the prosecution asks David if he has ever received any speeding tickets. David answers “Yes, I have received 5 in the past 2 years.” The defense objects arguing prejudice.
 - The evidence could unfairly sway the jury by placing in their mind that David has no problem breaking the law. The probative value is that it shows David disregards the laws. However, the risk of prejudice substantially outweighs the probative value; David having many speeding tickets does not offer insight into why he would assaulted Paul.

§ 8.3 - Speculation

- What do I say?
 - “Objection, speculation” or “Your honor, objection, calls for speculation.”
- Simply
 - Speculation is when you make guesses or assumptions about something without having enough evidence to support your ideas. It's like making up a story or jumping to conclusions without knowing the facts.
- Actually
 - The Federal Rules of Evidence discourage speculation in legal proceedings. These rules state that when presenting evidence or making arguments in court, it's important to rely on actual facts and evidence rather than making guesses or assumptions. Speculation is considered unreliable and can lead to unfair outcomes.
- Example
 - Let's say some items went missing from a classroom. When the teachers asks who took the items, one of your classmates starts speculating, "I think it was John because he always acts suspiciously."

- This speculation assumes John's guilt based on behavior alone, without any actual evidence linking him to the missing items.
- During lunch break, someone's lunchbox gets stolen from the cafeteria, and a group of students starts speculating about who might have taken it. They say things like, "It must have been Sarah because she's always getting into trouble."
 - This speculation assumes Sarah's guilt without any evidence to support the claim.
- In a school locker room, a student's cell phone goes missing, and rumors start circulating that it was stolen. Some students speculate, "It must have been Mike because he's been in trouble before."
 - This speculation connects Mike's past behavior to the current incident without any evidence directly linking him to the stolen phone.

In each of these examples, speculation occurs when individuals make assumptions or guesses about someone's guilt without concrete evidence. It's important to remember that in legal matters, including low-level crimes, relying on actual evidence is crucial to determine the truth and ensure fairness.

Speculation can be in the form of a question asked by opposing counsel or a statement by the defendant.

§ 9 - Federal Rules of Evidence Cheat Sheet

OBJECTION	RULE	EXPLANATION
Irrelevant evidence	402	Testimony is irrelevant to the facts of the case.
Evidence is unfairly prejudicial, confusing or waste of time	403	Evidence may be excluded at the discretion of the presiding judge if it is unfairly prejudicial, may confuse the issue or is a waste of time.
Compound question	403	Counsel is asking the witness a compound question.
Mischaracterization of testimony	403	Counsel is mischaracterizing the witness' testimony. (more common on cross)

Assuming facts not in evidence	403	Counsel's question assumes facts not in evidence (also relevant to closing argument – see rule 611e)
Unfair extrapolation	403	Witness' testimony is unfair extrapolation in that it goes beyond the witness' statement and any reasonable inference that can be drawn therefrom.
Improper character testimony	404(a)	Evidence of a person's character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character trait. ("Question is inadmissible as it goes to the witness's character.")
Improper use of crimes, wrongs	404(b)	Evidence of a crime or wrong is inadmissible to prove character and that on a particular occasion the person acted in accord with the character trait.
Crimes, wrongs admissible	404(b)	Evidence of crimes or wrongs can be used to prove motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

Character exception	406	Evidence of a person's habit or an organization's routine practice may be admitted to prove that on a particular occasion the person or organization acted in accordance with the habit or routine practice
Lack of personal knowledge	602	The witness has no personal knowledge that would enable him/her to answer this question.
Speculation	602	Question calls for speculation on the part of this witness.
Argumentative question	611a	The question is argumentative. (Common on cross).
Narrative answer	611b	The question calls for a narrative answer.
Leading question	611b	Counsel is leading the witness. (Counsel is suggesting the answer in the question; usually calls for a "yes" or "no" answer)

Non-responsive answer	611b	The answer is not responsive.
Beyond the scope	611d	Beyond the scope of cross-exam or re-direct.
Opinion	701	<p>Counsel is asking witness to give an opinion.</p> <p>No witness may give an opinion on how the case should be decided ("ultimate issue question" - 704)</p>
<u>Opinion Exception</u> - Lay Witness	701	Lay witness may offer opinion if (1) rationally based upon the perception of the witness AND (2) helpful to a clear understanding of the witness' testimony or the determination of a fact in issue.

Hearsay	801, 802	<p>Counsel's question calls for hearsay OR witness' answer is based on hearsay. MUST also ask that the jury be instructed to disregard the statement.</p> <p>Hearsay is evidence of a statement (oral or written assertion or nonverbal conduct intended as an assertion) by a person who is NOT a witness in the case offered to prove the truth of the statement.</p>
<u>Not Hearsay</u> – Admission Against Interest	801(d)l	Witness admitted to it and it goes against his / her interest.
<u>Not Hearsay</u> – Opposing Party's Statement	801(d) 2	Statement is admissible if it is offered against an opposing party and was made by the opposing party
<u>Hearsay Exception</u> – Present Sense Impression	803(1)	Hearsay is admissible if it is a statement describing an event made while or immediately after the declarant perceived it.

<u>Hearsay Exception</u> — Excited Utterance	803(2)	Hearsay is admissible if it is a statement related to a startling event, made while the declarant was under the stress of excitement that it caused.
<u>Hearsay Exception</u> — State of Mind	803(3)	Hearsay is admissible if it consists of evidence of what someone said which describes that person's state of mind at the time it was said, such as motive, intent or plan
<u>Hearsay Exception</u> — Public Records	803(8)	Hearsay is admissible if it is a record or statement of a public office or official within the scope of duty (statements admissible not report itself)
Hearsay Within Hearsay	805	Hearsay within hearsay is admissible so long as each part of the statement conforms to an exception to the rule.
Lack of proper foundation	1203	Counsel has not laid a proper foundation for the question - often with experts (or for admission of an exhibit).

About the Author



Jackson A. Lanier's journey with North Carolina Teen Court Programs began in 2013. The spark ignited during his high school freshman year when he volunteered with the Asheboro / Randolph Teen Court Program. Little did Jackson know that the experience would mark the beginning of his legal journey.

Throughout his high school years, Jackson actively participated in Teen Court. From juror to bailiff, clerk of court, to both prosecution and defense attorney, he embraced every role. These experiences nurtured his passion for the law and instilled in him a profound dedication to community betterment.

Jackson's unwavering commitment did not go unnoticed. In 2018, he earned the prestigious Silver Congressional Award in recognition of his substantial contributions to the Asheboro / Randolph Teen Court Program.

Even through his undergraduate years, Jackson remained engaged with Teen Court, this time as an adult volunteer with the Orange County Teen Court. The story continued into law school, where he continued to dedicate his time to the Durham County Teen Court program where he served as a Law Student Volunteer and a Judge.

Jackson's fervor and devotion to Teen Court drove him to create this guidebook. He envisions this book as a tool to equip volunteers with the skills and insights he wished he had possessed during his time as a high school volunteer.

He applauds your decision to volunteer with Teen Court and hopes that this experience brings you as much joy and fulfillment as it has brought him and continues to do so.